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5 IN THE UNITED STATES DISTRICT COURT  
6  
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
8

9 UNILOC USA, INC.; and UNILOC  
10 LUXEMBOURG, S.A.,

No. C 18-00358 WHA

11 Plaintiffs,

12 v.

**ORDER DENYING MOTION  
FOR AN INDICATIVE RULING**

13 APPLE INC.,

14 Defendant.  
15 \_\_\_\_\_/

16 In this patent infringement action, plaintiffs Uniloc Luxembourg, S.A., and Uniloc USA,  
17 Inc., move for an indicative ruling under Rule 62.1. The motion is **DENIED**.

18 This action originated in the Eastern District of Texas in May 2017 and was transferred  
19 to our district in January 2018. Plaintiffs accused defendant Apple Inc.’s products of infringing  
20 United States Patent No. 6,661,203 (“the ’203 patent”), which claimed “[a] method and  
21 apparatus for controlling the charge and discharge currents in a battery as a function of  
22 temperature” (Dkt. No. 1-2, Abstract).

23 In March 2018, Apple moved for judgment on the pleadings, arguing that the ’203  
24 patent was abstract and therefore invalid (Dkt. No. 53). An order dated May 18, 2018, granted  
25 Apple’s motion and dismissed the instant action with prejudice (Dkt. No. 99). Judgment was  
26 immediately entered thereafter (Dkt. No. 100). In June 2018, plaintiffs appealed, *inter alia*, the  
27 final judgment and order granting Apple’s motion.

28 Plaintiffs now seek to “expedite th[e] appeal by helping to remove from the appeal [the]  
recently raised issue of standing and jurisdiction” by requesting an indicative ruling stating that

1 the undersigned would grant a motion to add Uniloc 2017 LLC as a plaintiff if the United States  
2 Court of Appeals for the Federal Circuit remands for that purpose (Dkt. No. 107 at 2).

3 Once an appeal is filed, the district court no longer has jurisdiction to grant a motion to  
4 add a party to the action. Rule 62.1(a), however, provides that:

5 If a timely motion is made for relief that the [district] court lacks authority to  
6 grant because of an appeal that has been docketed and is pending, the  
[district] court may:

7 (1) defer considering the motion;

8 (2) deny the motion; or

9 (3) state either that it would grant the motion if the court of appeals  
10 remands for that purpose or that the motion raises a substantial issue.

11 Plaintiffs now move, pursuant to Rule 62.1(a)(3), for the above-mentioned indicative  
12 ruling. Apple opposes. In response, plaintiffs argue that Apple is “doing what it can to delay  
13 the appeal” (Dkt. No. 111 at 1).

14 This order notes that plaintiffs have asserted a total of seven patents (and numerous  
15 claims) in this cluster of related cases against Apple. These actions have already involved  
16 heavy motion practice. Plaintiffs now add to the burden with yet another motion.

17 This whole problem arose because of manipulations by plaintiffs. That is, plaintiffs  
18 have engaged in intricate assignment and licensing machinations among likely shell companies,  
19 perhaps in an attempt to avoid possible liability for sanctions through insulating shell  
20 companies.

21 The instant mess is one of plaintiffs’ own making. The best that the shortness of life  
22 allows is reference to the companion order in the related actions addressing Apple’s motion to  
23 dismiss and plaintiffs’ motion to join Uniloc 2017. Plaintiffs’ request for an indicative ruling is  
24 otherwise **DENIED**.

25 **IT IS SO ORDERED.**

26  
27 Dated: January 17, 2019.

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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE